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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/978,587	10/18/2001	Masayuki Shibata	D-1170	5211
7590 03/01/2004 KANESAKA AND TAKEUCHI 1423 Powhatan Street Alexandria, VA 22314			EXAMINER TSAI, CAROL S W	
			ART UNIT 2857	PAPER NUMBER

DATE MAILED: 03/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/978,587	<b>Applicant(s)</b> SHIBATA, MASAYUKI	
	<b>Examiner</b> Carol S Tsai	<b>Art Unit</b> 2857	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 January 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,4 and 5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4 and 5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
       Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
       Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Response to Arguments***

2. Applicant's arguments, see Amendment after Final Action, filed 1/20/2004, with respect to the rejection of claims 1-6 under U.S.C. 102(b) as being anticipated by U. S. Patent No. 5,704,366 to Tacklind et al. have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of the prior art U. S. Patent No. 5,704,366 to Tacklind et al. in combination with the newly cited prior art U. S. Patent No. 5,787,414 to Miike et al.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 5, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent No. 5,704,366 to Tacklind et al. in view of U. S. Patent No. 5,787,414 to Miike et al.

Tacklind et al. disclose a measurement data controlling device for storing and controlling

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measurement data in a measurement system including a plurality of measurement devices, comprising (see Fig. 1 and col. 5, lines 19-63): a memory (RAM 42 shown on Fig. 3) formed in each measurement device, and means (micro-controller 40 shown on Fig. 3) for preparing a main file having a plurality of predetermined areas for storing measured data, identifying data for identifying a measuring device from other measuring devices, and time identifying data for identifying date-and-time when a measurement is carried out in said each measurement device, said main file being stored in the memory as one file unit, said measured data being divided into two areas, said identifying data and time identifying data being located between the two areas (see col. 6, lines 27-61).

Tacklind et al. also disclose preparing a file allocation table attached to the main file containing a file name and preparation time of the main file, to be used in operating the main file.

Miike et al. teach preparing a file allocation table attached to the main file containing a file name and preparation time of the main file, to be used in operating the main file (see col. 36, lines 25-67).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Tacklind et al.'s system to include preparing a file allocation table attached to the main file containing a file name and preparation time of the main file, to be used in operating the main file, as taught by Miike et al., in order to provide the link information to the target data (see col. 36, lines 28-29).

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As to claim 5, Tacklind et al. also disclose comprising a communication line connected to said plurality of measurement devices, and a file server connected to the communication line (see Fig. 1 and col. 5, lines 47-63).

As to claim 6, Tacklind et al. also disclose measurement device being an analyzer of a material (see col. 5, line 64 to col. 6, line 15).

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gardner et al. in view of Miike et al. as applied to claim 1 above, and further in view of U. S. Patent No. 6,278,890 to Chassaing et al.

As noted above, Tacklind et al. in combination with Miike et al. teach all the features of the claimed invention, but do not disclose preparing error detection data for the measured data, identifying data and time identifying data, which are attached to the main file.

Chassaing et al. teach preparing error detection data for the measured data, identifying data and time identifying data, which are attached to the main file (see col. 14, lines 36-41).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Tacklind et al. in combination with Miike et al.'s system to include preparing means further prepares error detection data for the measured data, identifying data and time identifying data, which are attached to the main file, as taught by Chassaing et al., in order that error data with time stamp can be further analyzed.

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***Contact Information***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carol S. Tsai whose telephone number is (703) 305-0851. The examiner can normally be reached on Monday-Friday from 7:30 AM to 4:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached on (703) 308-1677. The fax number for TC 2800 is (703) 308-7382. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2800 receptionist whose telephone number is (703) 308-1782.

In order to reduce pendency and avoid potential delays, Group 2800 is encouraging FAXing of responses to Office actions directly into the Group at (703) 308-7382. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into Group 2800 will be promptly forwarded to the examiner.



Carol S. W. Tsai  
Patent Examiner  
Art Unit 2857

02/11/04